



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: **Lichtenberger, Lenard M.**

SERIAL NO: **09/827,493**

FILED: **04/06/01**

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EXAMINER: **JIANG**

GROUP ART UNIT: **1617**

DOCKET: **96606/15UTL**

FOR: **Unique Composition of Zwitterionic
Phospholipids and Bisphosphonates with
Reduced Toxicity and Enhanced
Bioavailability**

EV 328 518 924 US	CERTIFICATE OF MAIL BY EXPRESS MAIL	October 7, 2003
Number		Date of Deposit
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the:		
Assistant Commissioner of Patent Washington, D.C. 20231		
Robert W. Strozger		October 7, 2003 Date of Signature

SECOND RULE 132 DECLARATION

My name is Dr. Lenard M. Lichtenberger and I am over 18 years of age and am the inventor of this application. I am submitting this declaration to provide the Examiner with information relating to the co-administration of an intravenously administered NSAID and an orally administered bisphosphonate.

I declare as follows:

A technician under my supervision compared the GI toxicity of a systemically administered NSAID and an orally administered bisphosphonate. The results show a dramatic synergistic increase in the GI toxicity of either the NSAID or the bisphosphonate when the two are co-administered. The data additionally shows that the inclusion of a composition of the above-identified application does reduce the synergistic increase in GI toxicity, but does not bring the toxicity down to the levels of the NSAID alone or the bisphosphonate alone. This data shows just how unpredictable combinations of even well known pharmaceuticals can be. An ordinary artisan would not have expected such an adverse response from a simple co-administered or combination of two well known pharmaceuticals. These types of results are certainly not uncommon in the Pharmaceutical

industry. In fact, it is very difficult to predict combinational or co-administered drug interactions *a priori*, which I feel greatly weakens the Examiner's obviousness arguments.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: October 7, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lenard M. Lichtenberger", written over a horizontal line.

Lenard M. Lichtenberger